

**MINUTES OF PUBLIC MEETING
FOR THE CORRECTIONS OFFICER RETIREMENT PLAN LOCAL BOARD
FOR THE JUDICIARY**

A Public Meeting of the Corrections Officer Retirement Plan Local Board for the Judiciary was convened Tuesday, November 5, 2019 at 10:00 a.m., Conference Room 109, Arizona State Courts Building, 1501 West Washington Street, Phoenix, Arizona.

Board Members Present in Conference Room 109: Kevin Kluge, Chair; Scott Mabery; Mark Smalley; Jason Hathcock

Board Member Present by Conference Call: Jennifer Fish

Also Present in Conference Room 109: Vanessa Haney, Board Secretary; Cynthia Kelley, Board Attorney (conference call); Alicia Bocardo, Recorder; Ottmar & Associates, Court Reporter; Yvonne Wong; Phillip Hanley; Monique Rushing (Conference Call)

Call to Order:

Approval of the Minutes:

October 8, 2019 – Public Meeting Minutes

MOTION: A motion to approve the public meeting minutes of the October 8, 2019 meeting was made by Mark Smalley. The motion was seconded and passed unanimously; minutes stand approved. **CORP 2019-44**

Consideration of Disability Application: (Taken out of Order)

Disability Application #16-01, Monique Rushing – Annual Review of Records

The Board approved Application #16-01, from Monique Rushing, for Total and Permanent Disability benefits on August 2, 2016. The Board conducted annual reviews of this matter for the past three years and voted on all occasions to continue the Total and Permanent Disability benefit and to review the case in one year.

The matter was brought to the Board for an annual review of medical records and an evaluation of the frequency of reviews for this benefit. The following materials were provided for the Board's consideration: Guidelines for Periodic Reevaluation of Disability Benefits, medical treatment records since the Board's 2018 review, and Ms. Rushing's 2016 Independent Medical Evaluations.

A.R.S. § 38-886.D governs periodic reevaluation of Total and Permanent Disability matters:

D. The local board may require a retired member with a disability to undergo periodic reevaluation of the continuation of accidental disability or total and permanent disability. If the retired member with a disability refuses to submit to reevaluation, the local board may suspend payment of the pension. If the refusal continues for one year, the local board may revoke the retired member's with a disability rights to the pension. An accidental disability pension or a total and permanent

disability pension is terminated if the local board finds the retired member no longer meets the requirements for accidental disability retirement or total and permanent disability retirement. This subsection does not apply after a retired member with a disability reaches the member's normal retirement date. The amount of a disability pension shall not be recomputed at a retired member's with a disability normal retirement date.

The applicant's earliest normal retirement date would have been 12/12/2031, when she would have attained 20 years of service.

The Chair noted for the record Ms. Rushing's presence via conference call prompting the agenda items to be taken out of order.

The Chair suggested not sending Ms. Rushing for an updated Independent Medical Evaluation, IME, based on the current medical records provided. The current medical records provided indicated that Ms. Rushing is continuing treatment on a regular basis.

Board member Jason Hathcock agreed with the Chair by stating that the medical records provided reflected no improvement. He inquired whether the original decision on Ms. Rushing's case was taken before the Guidelines for Periodic Reevaluation of Disability Benefits was adopted by the Local Board.

The Chair replied that the decision on her case was made before the Local Board adopted Guidelines for Periodic Reevaluation of Disability Benefits based on the wording provided on the original IME "is improvement expected, possible, or not expected?" The Chair went on to add that perhaps in a few years Ms. Rushing can be sent to for an updated IME.

Board member Jason Hathcock stated that the case should be reviewed in 6 years considering that: the original IME doctor's finding that treatment would not procure a successful outcome and accounting that the current adopted Guidelines for Periodic Reevaluation of Disability Benefits outlines a 6-year period for periodic review upon the original date of application approval.

MOTION: A motion to continue the Total and Permanent benefit for Applicant #16-01, Monique Rushing, and review the case in 6 years, was made by Jason Hathcock. The motion was seconded and passed unanimously. **CORP 2019-45**

Ms. Rushing promptly left the conference call at 10:03 a.m.

Request for 90 Day Extension on Disability Application (Taken out of Order)

Disability Application #19-02 – Matthew Baack

MOTION: A motion to enter Executive Session to receive legal advice was made by Scott Mabery at 10:07 a.m. Motion was seconded and passed unanimously. **CORP 2019-46**

MOTION: A motion to return to open session was made by Mark Smalley at 10:36 a.m. Motion was seconded and passed unanimously. **CORP 2019-47**

MOTION: A motion to deny Matthew Baack's, Disability Applicant #19-02, request for an additional 90 days to gather medical evidence for Disability Rehearing, and to schedule the

rehearing for the December 3, 2019 CORP Local Board meeting was made by Mark Smalley. Motion was seconded and passed unanimously. **CORP 2019-48**

The Chair reiterated that the denial of the additional 90 days was for gathering evidence for a rehearing and the actual rehearing, on December 3, 2019, will take place within the original 90-day rehearing request.

The Chair instructed the Board Secretary to: inform the applicant of the Board's decision to deny the additional 90 days, detail the timeframe for which Mr. Baack can submit any and all documentation by or before for the Board's review, and to reach out to the applicant and the doctor to schedule their presence via conference call for the December 3, 2019 meeting.

Approval of 2020 Meeting Dates

Meeting dates for 2020 were proposed for the Board's approval. All meetings are scheduled to begin at 10:00 a.m.

January 7
February 4
March 3
April 7
May 5
June 2
July 7
August 4
September 8
October 6
November 3
December 1

MOTION: A motion to approve the proposed Board meeting dates for 2020 was made by Scott Mabery. Motion was seconded and passed unanimously. **CORP 2019-49**

Status Update: Membership Audit

The Board Secretary advised the Board that all but one of the discrepancies identified by the 2019 audit have been resolved. She stated that staff has been working with Coconino County to retrieve a completed membership form.

Decision on Notice of Retiree Return to Work – Pamela Jensen

Pamela Jensen was identified during the 2019 membership audit as an employee who had returned to work on 12/5/2016 as a Cochise County Adult Probation after retiring from a CORP designated position at the Department of Corrections on 10/1/2015.

The Board Secretary advised the Board that Cochise County has been paying the Alternate Contribution Rate and indicated that staff discovered the discrepancy when it was determined that the Notice of Retiree Return to Work paperwork was not on file for Ms. Jensen.

Board member Mark Smalley inquired whether Ms. Jensen's prior Board must be notified. The Chair agreed and added that in the past the previous CORP Board had been notified of retiree return to work members.

The Board Secretary advised the Board that the matter had been discussed with the Board Attorney and that her determination that notification to the prior Board did not have to be distributed as current Board approval would suffice. The Board Attorney advised that the information was correct.

Board member Jason Hathcock questioned whether the current Board had authority to approve part one of the motion, "(1) Ms. Jensen is eligible to continue to receive a CORP pension" as part of a CORP Board entity rather having her previous Board approve it.

The Chair added that retiree return to work cases have been handled in two parts: notifying the previous board and informing the county of hire to pay the alternate contribution rate.

The Board Attorney inquired whether PSPRS handles the notification aspect. The Board Secretary responded that it is likely since Cochise County has been paying the ACR dating back to Ms. Jensen's date of hire into the AOC CORP designation position.

MOTION: A motion that the Board received a Notice of Retiree Return to Work for Pamela Jensen and finds: (1) Ms. Jensen is eligible to continue to receive a CORP pension. (2) Cochise county is responsible for paying an alternate contribution rate on her behalf was made by Jennifer Fish. The motion was seconded and passed unanimously. **CORP 2019-50**

Board Attorney Contract

Board Attorney Cynthia Kelley recused herself from the meeting via conference call at 10:44 a.m.

The Board Secretary advised the Board that the current contract with Board legal counsel Ryan Rapp & Underwood terminates on June 30, 2020.

The Board Secretary informed the Board that Board Attorney Cynthia Kelley disclosed her willingness to stay on as legal counsel for the Board.

Board member Jason Hathcock inquired whether the Board is required to bid other firms. The Chair responded by advising the Board that the current contract with Ryan Rapp & Underwood could extend to a 10-year contract. Additionally, The Chair explained that bidding would be required at a later point but not for this current motion.

Board member Jason Hathcock asked the Board Secretary if the rate would increase. The Chair responded that negotiations will likely take place and that a reasonable timeframe for an extended contract would be for an additional three years based on Ryan Rapp & Underwood's experience.

MOTION: A motion to instruct the Board Secretary to prepare written notice to Ryan Rapp & Underwood of its desire to extend the current contract for legal counsel for the Board,

beginning July 1, 2020 and ending June 30, 2023 was made by Scott Mabery. Motion was seconded and passed unanimously. **CORP 2019-51**

Approval of Normal Retirement Benefits:

There were seven applications for Normal Retirement benefits submitted for the Board's approval pursuant to A.R.S. § 38-893 (D).

MOTION: A motion to approve the payment of Normal Retirement benefits to the following applicants in about the following amounts, effective November 1, 2019 was made by Jason Hathcock. The motion was seconded and passed unanimously. **CORP 2019-52**

Timothy Burton	\$3,733.50; Reverse DROP Estimate \$139,218.37
Jenny Flores	\$4,200.41; Reverse DROP Estimate \$ 50,930.91
James Frost	\$2,807.22
Craig Harris	\$4,522.16; Reverse DROP Estimate \$ 64,108.59
Kenneth McCulloch	\$5,455.74; Reverse DROP Estimate \$ 77,344.69
Rose Moreno	\$2,424.90
Shoni Rama	\$2,402.99

Approval of Membership:

The Local Board may consider and vote on the approval of the following requests for membership or defer decision to a later date:

Backmann, Nathan	Pima	12/08/2018
Bremerman, Vanessa	Maricopa	10/13/2019
Burns, Michael	Maricopa	08/18/2019
Carney, Frank	Cochise	08/12/2019
Chirz, Chayla	Maricopa	08/18/2019
Deane, Amanda	Maricopa	01/28/2019
Elam, Tyler	Maricopa	09/29/2019
Florence, Mackenzie	Maricopa	10/13/2019
Francisco Peralta, Joanna	Maricopa	09/06/2019
Gillespie, Carlton	Apache	06/02/2019
King, Teri	Maricopa	09/29/2019
Lizarraga, Adrian	Pima	06/24/2019
Mahlon, Aminta	Pima	06/24/2019
Mata, Nicole	Pinal	09/06/2019
Miezan, Odile	Maricopa	07/30/2019
Morgan, Travis	Maricopa	01/07/2019
Ortiz, Diego	Pima	01/04/2019

Rios Rios, Abigail	Maricopa	10/07/2019
Sanchez, Krysta	Maricopa	10/13/2019
Segura, Conchita	Maricopa	10/07/2019
Siefers, Hope	Pima	09/09/2019
Teter-VanArsdale, Mary	Pinal	09/06/2019
Weaver, Misty	Maricopa	09/23/2019

MOTION: A motion to approve the 23 applicants listed on the agenda for this meeting for membership in CORP pursuant to A.R.S. §38-893.D and to note for the record that the physical examinations for Frank Carney, Joanna Francisco Peralta, Carlton Gillespie, Adrian Lizarraga, Nicole Mata, Odile Miezan, Travis Morgan, and Mary Teter-VanArsdale identified a physical or mental condition or injury that existed or occurred before their date of membership in the plan, was made by Jennifer Fish. The motion was seconded and passed unanimously. **CORP 2019-53**

See Attachment A to these minutes for details of the membership approved at this meeting.

Future Agenda Items:

The Board Secretary informed the Board that disability applications have been distributed to three individuals. She added that the members are still gathering documentation and information. Additionally, the Board Secretary advised the Board that disability applications may be added on the January 7, 2020 meeting agenda for review.

Call to the Public:

No members of the public addressed the Board.

The meeting was adjourned at 10:57 a.m.

Transcribed November 5, 2019